(A-3)

IN THE HIGH COURT OF CHHATTISGARH JUDICATURE AT BILASPUR

W. P. NO. 5688/2005

PETITIONER : Smt. Regina Kujur W/o Samuel
Aged about 50 yrs, Asst. Teacher, R/O Boys
Pri. School Duldula , Distt. Jashpur,[C.G.]

VERSUS

RESPONDENTS : 1. State of Chhattisgarh,Through the Secretary ,
Department of School Education,Mantralay,
D.K.S Bhawan Raipur[C.G]

2. The Director , Directorates of Public
Instruction, Pension Bada Raipur[C.G]

3. The District Education Officer
Public Instructions Jashpur ,[C.G.]

4. The Chairman / Manager
Boys Pri. School Duldula , Jashpur
Catholic Institutions Jashpur Central Zone
H.O. & P.O.Kunkuri, Distt. Jashpur [C.G.]

P.R. No. 5852/05
Presented by Shri N Mishra
dated 11-11-05

RECEIVED-COPY
11/11/05
CLERK to A. G. BILASPUR

PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

AFR

(96)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION No.4108 of 2005

Smt. A. Lall

versus

State of Chhattisgarh and others

And other connected matters.

ORDER

Post for 6-2-2007

Sd/-
Satish K.Agnihotri
Judge

6/2/07

(97)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

Writ Petition No.4108 of 2005

Petitioner	Smt. A. Lall
Versus	
Respondents	State of Chhattisgarh and others

Writ Petition No. 2784 of 2006

Petitioner	Ku. Savita Manjhi
Versus	
Respondents	State of Chhattisgarh and others

Writ Petition No. 1818 of 2005

Petitioner	Karan Sai
Versus	
Respondents	State of Chhattisgarh and others

Writ Petition No. 1826 of 2005

Petitioner	Puran Das
Versus	
Respondents	State of Chhattisgarh and others

Writ Petition No. 1827 of 2005

Petitioner	P.K. Bakshi
Versus	
Respondents	State of Chhattisgarh and others

(96)

Writ Petition No. 1828 of 2005

Petitioner		Vijay Mohan Dubey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1829 of 2005

Petitioner		Ashok Kumar Rai Das
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1830 of 2005

Petitioner		Pradeep Kumar Jain
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1831 of 2005

Petitioner		Pradeep Shantaram Khirwadker
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1832 of 2005

Petitioner		Kailash Prakash Pandey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1833 of 2005

Petitioner		Vidur Sharma
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1834 of 2005

Petitioner		Smt. Shefali Das
	Versus	
Respondents		State of Chhattisgarh and others

(99)

Writ Petition No. 1835 of 2005

Petitioner		Smt. Shakuntala Pilley
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1836 of 2005

Petitioner		Sita Ram
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1837 of 2005

Petitioner		J.K. Singh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1838 of 2005

Petitioner		Ramadhar Verma
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1839 of 2005

Petitioner		Ram Lakhan Mishra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1840 of 2005

Petitioner		Manoj Kumar Jain
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1841 of 2005

Petitioner		Keshav Prasad
	Versus	
Respondents		State of Chhattisgarh and others

(100)

Writ Petition No. 1842 of 2005

Petitioner		Surendra Bahadur Singh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1843 of 2005

Petitioner		Smt. Rikta Paul
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1844 of 2005

Petitioner		R.C. Jain
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1845 of 2005

Petitioner		Ram Prasad
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1846 of 2005

Petitioner		Smt. Laxmi Shrivastava
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1847 of 2005

Petitioner		Smt. Sangeta Roy
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1848 of 2005

Petitioner		Kapil Deo Pathak
	Versus	
Respondents		State of Chhattisgarh and others

(101)

Writ Petition No. 2960 of 2005

Petitioner		T.R. Kashyap
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2961 of 2005

Petitioner		M. Paik
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2962 of 2005

Petitioner		S. Kumar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2963 of 2005

Petitioner		A. Gardia
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2964 of 2005

Petitioner		T.K. Das
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2965 of 2005

Petitioner		S. Nand
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2966 of 2005

Petitioner		Ku. S. Sona
	Versus	
Respondents		State of Chhattisgarh and others

102

Writ Petition No. 2967 of 2005

Petitioner		Smt. H. Gardia
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2968 of 2005

Petitioner		Smt. V. S. Kunwar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2969 of 2005

Petitioner		E.H. Nathaniel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2970 of 2005

Petitioner		Pawl Nag
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2971 of 2005

Petitioner		Nabod Kuldeep
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2981 of 2005

Petitioner		Ganesh Ram Patel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2982 of 2005

Petitioner		Jaipal Kumar Verma
	Versus	
Respondents		State of Chhattisgarh and others

(103)

Writ Petition No. 2983 of 2005

Petitioner		Smt. P.E. Nathaniel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 2984 of 2005

Petitioner		Dhanurjay Bhoi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3018 of 2005

Petitioner		J.B. Kashyap
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3019 of 2005

Petitioner		N.K. Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3021 of 2005

Petitioner		L. L. Mishra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3022 of 2005

Petitioner		Shivcharan Kashyap
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3024 of 2005

Petitioner		Jaidev Nag
	Versus	
Respondents		State of Chhattisgarh and others

(104)

Writ Petition No. 3025 of 2005

Petitioner		Ujal Rajhans
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3026 of 2005

Petitioner		P.N. Nilagar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3027 of 2005

Petitioner		Ramnidhi Porre
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3028 of 2005

Petitioner		Smt. V. Kumar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3029 of 2005

Petitioner		N.B. Ram
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3030 of 2005

Petitioner		H. Kumar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3031 of 2005

Petitioner		P.N. Tripathi
	Versus	
Respondents		State of Chhattisgarh and others

(105)

Writ Petition No. 3032 of 2005

Petitioner		V.M. Nand
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3033 of 2005

Petitioner		Chandrasen Swarnkar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3034 of 2005

Petitioner		Mahesh Ram Swarnkar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3035 of 2005

Petitioner		H. C. Patel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3102 of 2005

Petitioner		L.P. Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3263 of 2005

Petitioner		Smt. Jawa Kusum Majumdar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3474 of 2005

Petitioner		B.L. Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

106

Writ Petition No. 3475 of 2005

Petitioner		V.K. Nayak
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3476 of 2005

Petitioner		J.R. Naik
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3477 of 2005

Petitioner		S.R. Patel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3478 of 2005

Petitioner		B.L. Bagarti
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3479 of 2005

Petitioner		T.C. Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3480 of 2005

Petitioner		Khem Raj Patel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3481 of 2005

Petitioner		Kripa Ram Patel
	Versus	
Respondents		State of Chhattisgarh and others

(107)

Writ Petition No. 3482 of 2005

Petitioner		B.L. Chhatrapati
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3483 of 2005

Petitioner		C.R. Choudhary
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3484 of 2005

Petitioner		K.S. Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3485 of 2005

Petitioner		Vimal Kumar Sahu
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3486 of 2005

Petitioner		Set Kumar Yadav
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3487 of 2005

Petitioner		Satyanand Bhoi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3488 of 2005

Petitioner		A.C.Das
	Versus	
Respondents		State of Chhattisgarh and others

(168)

Writ Petition No.6156 of 2006

Petitioner		D.C.Dwivedi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3558 of 2005

Petitioners		Dinesh Kumar Agrawal and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3576 of 2005

Petitioner		B.U.B. Reddy
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3577 of 2005

Petitioner		P. Bhogi Raju
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3578 of 2005

Petitioner		Y. Veera Swamy
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3579 of 2005

Petitioner		Smt. N. Laxmi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3580 of 2005

Petitioner		M. Shiv Prasad
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3581 of 2005

Petitioner		J. Ganapathi Rao
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3582 of 2005

Petitioner		Smt. M. Ratna Bai
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3583 of 2005

Petitioner		Smt. B. Rama Bharti
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3585 of 2005

Petitioner		Smt. K. Vijayalakshmi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3586 of 2005

Petitioner		Smt. Sunanda Rani Dey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3587 of 2005

Petitioner		V. Subramanyam
	Versus	
Respondents		State of Chhattisgarh and others

(110)

Writ Petition No.3588 of 2005

Petitioner		I. Venkata Ramana
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3589 of 2005

Petitioner		Smt. Y. Sharda
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3590 of 2005

Petitioner		Smt. A. Shobha Naidu
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3591 of 2005

Petitioner		K. Soma Sekhar Sharma
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3592 of 2005

Petitioner		M. Rama Rao
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3783 of 2005

Petitioner		Akshay Kumar & others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3784 of 2005

Petitioners		Mahesh Kumar Chandrakar and others
	Versus	
Respondents		State of Chhattisgarh and others

111

Writ Petition No. 3803 of 2005

Petitioner		Mahendra Kashyap
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3804 of 2005

Petitioner		Rajesh Chandra Sahu
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3805 of 2005

Petitioner		B.J. Kumar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3806 of 2005

Petitioner		Smt. N. Gottlieb
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3822 of 2005

Petitioner		M.R. Kashyap
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3823 of 2005

Petitioner		Chaitram Yadav
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3829 of 2005

Petitioner		V.K. Purohit
	Versus	
Respondents		State of Chhattisgarh and others

(12)

Writ Petition No. 3830 of 2005

Petitioner		B.P. Sahu
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3831 of 2005

Petitioner		J.B. Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3832 of 2005

Petitioner		S.D. Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3833 of 2005

Petitioner		T.L. Yadu
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3835 of 2005

Petitioner		Jogsingh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3836 of 2005

Petitioner		R.N. Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3837 of 2005

Petitioner		I.G. Goswami
	Versus	
Respondents		State of Chhattisgarh and others

113

Writ Petition No. 3838 of 2005

Petitioner		J.K Bhoi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3839 of 2005

Petitioner		S.N. Sahu
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3841 of 2005

Petitioner		Anant Ram
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3861 of 2005

Petitioner		Smt. Uma Sheel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3862 of 2005

Petitioner		Sandhya Rani Jena
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3863 of 2005

Petitioner		M.V.M. Satya Narayana
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3865 of 2005

Petitioner		K.C. Panda
	Versus	
Respondents		State of Chhattisgarh and others

(114)

Writ Petition No. 3874 of 2005

Petitioner		Raghav Ram Rajput
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3878 of 2005

Petitioner		P. Meher
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3879 of 2005

Petitioner		V.B. Satpathy
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3880 of 2005

Petitioner		R.S. Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3881 of 2005

Petitioner		Surendra Bhoi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3884 of 2005

Petitioner		O.P. Choudhari
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3887 of 2005

Petitioner		Gajraj Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

(115)

Writ Petition No. 3888 of 2005

Petitioner		H.K. Patro
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3896 of 2005

Petitioner		K.N. Patel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3900 of 2005

Petitioner		P. Bhoi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3901 of 2005

Petitioner		C.R. Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3902 of 2005

Petitioner		K.R. Patel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3903 of 2005

Petitioner		R.K. Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3904 of 2005

Petitioner		Smt. Janak Pradhan
	Versus	
Respondents		State of Chhattisgarh and others

(116)

Writ Petition No. 3905 of 2005

Petitioner		S.R. Patel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3906 of 2005

Petitioner		Parmanand Bhoi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3908 of 2005

Petitioner		S. Dey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3909 of 2005

Petitioner		N.C. Dey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3910 of 2005

Petitioner		Smt. D. Das
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3911 of 2005

Petitioner		Smt. T. Mukharjee
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3912 of 2005

Petitioner		P.K. Barui
	Versus	
Respondents		State of Chhattisgarh and others

(117)

Writ Petition No. 3913 of 2005

Petitioner		R.B. Choudhary
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3914 of 2005

Petitioner		M. Dey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3915 of 2005

Petitioner		Smt. Rita Roy
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3916 of 2005

Petitioner		B.M. Choudhary
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3917 of 2005

Petitioner		B.K. Sarkar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3918 of 2005

Petitioner		J. Choudhury
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3919 of 2005

Petitioner		A. De
	Versus	
Respondents		State of Chhattisgarh and others

(119)

Writ Petition No. 3920 of 2005

Petitioner		Sujit Roy
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3933 of 2005

Petitioner		Ram Khilawan Sarraf
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3934 of 2005

Petitioner		Narendra Kumar Dubey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3935 of 2005

Petitioner		Sarita Shukla
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3936 of 2005

Petitioner		Ram Gopal Tiwari
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3937 of 2005

Petitioner		Ku. E. Luies
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3939 of 2005

Petitioner		Sunil Francis
	Versus	
Respondents		State of Chhattisgarh and others

(19)

Writ Petition No. 3940 of 2005

Petitioner		Smt. Jolly Winsent
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3941 of 2005

Petitioner		Neeraj Shrivastava
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3942 of 2005

Petitioner		Ku. P. Rajana Naidu
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3943 of 2005

Petitioner		Smt. Kusum Bai
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3945 of 2005

Petitioner		Steeven Lozarous
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3946 of 2005

Petitioner		Avinash Chandra Upadhyay
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3947 of 2005

Petitioner		Alois Minj
	Versus	
Respondents		State of Chhattisgarh and others

120

Writ Petition No. 3948 of 2005

Petitioner		Ranjit Singh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3949 of 2005

Petitioner		Anthoney Lakra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3950 of 2005

Petitioner		Manoj K. S. Baghel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3951 of 2005

Petitioner		Sirish Koranne
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3952 of 2005

Petitioner		Cornelius Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3953 of 2005

Petitioner		Boniface Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3954 of 2005

Petitioner		Nabor Kerketta
	Versus	
Respondents		State of Chhattisgarh and others

(121)

Writ Petition No. 3955 of 2005

Petitioner		Gautam Singh Gaharwar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3957 of 2005

Petitioner		Manihar Lakra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3958 of 2005

Petitioner		Anuranjan Kerketta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3959 of 2005

Petitioner		Alois Lakra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3960 of 2005

Petitioner		Nirmal Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3961 of 2005

Petitioner		Laxmi Prasad Sinha
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3991 of 2005

Petitioner		Konda Rao
	Versus	
Respondents		State of Chhattisgarh and others

(122)

Writ Petition No. 3992 of 2005

Petitioner		Smt. R. Pathak
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3993 of 2005

Petitioner		Smt. Munni Singh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3994 of 2005

Petitioner		Smt. P. Kachhap
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3995 of 2005

Petitioner		Smt. Sabina Xalxo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3996 of 2005

Petitioner		Ajit Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3997 of 2005

Petitioner		Smt. Christina Tigga
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 3998 of 2005

Petitioner		Ku. Phulkeria Kujur
	Versus	
Respondents		State of Chhattisgarh and others

(123)

Writ Petition No. 3999 of 2005

Petitioner		Isaac Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4000 of 2005

Petitioner		Smt. Sharda Devi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4001 of 2005

Petitioner		Ku. P.S. Zema
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4002 of 2005

Petitioner		Sushma Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4003 of 2005

Petitioner		Smt. A.F. Hashmi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4004 of 2005

Petitioner		R.K. Lall
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4005 of 2005

Petitioner		Smt. S. Acquilla
	Versus	
Respondents		State of Chhattisgarh and others

(124)

Writ Petition No. 4006 of 2005

Petitioner		Muni Singh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4007 of 2005

Petitioner		Smt. Yajana Borker
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4036 of 2005

Petitioner		Pankaj Mishra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4037 of 2005

Petitioner		E.K. Anthoney
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4038 of 2005

Petitioner		Smt. F. Minj
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4039 of 2005

Petitioner		P. Chinna Rao
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4042 of 2005

Petitioner		Devesh Awasthi
	Versus	
Respondents		State of Chhattisgarh and others

(125)

Writ Petition No. 4043 of 2005

Petitioner		Smt. Molly Ruben
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4044 of 2005

Petitioner		Anthony Baraik
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4045 of 2005

Petitioner		Pius Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4046 of 2005

Petitioner		Anand Kumar Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4047 of 2005

Petitioner		Ku. Dipti Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4048 of 2005

Petitioner		Prakash Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4049 of 2005

Petitioner		Deonis Ekka
	Versus	
Respondents		State of Chhattisgarh and others

(126)

Writ Petition No. 4050 of 2005

Petitioner		M.C. Sarangi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4051 of 2005

Petitioner		Hemant Minz
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4052 of 2005

Petitioner		Dilip Kerketta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4053 of 2005

Petitioner		Jai Masih Lakara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4054 of 2005

Petitioner		Rafel Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4055 of 2005

Petitioner		Harman Bara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 1799 of 2006

Petitioner		Balaji Singh Kharsan
	Versus	
Respondents		State of Chhattisgarh and others

(127)

Writ Petition No. 4105 of 2005

Petitioner		Abid Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4107 of 2005

Petitioner		Vivek Ranjan Jaiswal
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4109 of 2005

Petitioner		Smt. Asha Dwivedi
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4110 of 2005

Petitioner		V. Bargah
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4111 of 2005

Petitioner		Smt. S.M. Upadhyay
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4112 of 2005

Petitioner		S.C. Soni
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4113 of 2005

Petitioner		Smt. S. Deshpande
	Versus	
Respondents		State of Chhattisgarh and others

(128)

Writ Petition No. 4114 of 2005

Petitioner		Smt. Prabha Munje
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4117 of 2005

Petitioner		Smt. Raji Kumari Thakur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4118 of 2005

Petitioner		Smt. S. Mishra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4119 of 2005

Petitioner		Ashok Singh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4120 of 2005

Petitioner		William Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4121 of 2005

Petitioner		Barnabas Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4161 of 2005

Petitioner		Chandra Kiran Masih
	Versus	
Respondents		State of Chhattisgarh and others

(129)

Writ Petition No. 4162 of 2005

Petitioner		Smt. S.N. Andrews
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4163 of 2005

Petitioner		Manjula Henri
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4164 of 2005

Petitioner		Smt. Alka Sadhu
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4165 of 2005

Petitioner		Laxmi Prasad Yadav
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4166 of 2005

Petitioner		Smt. Mamta Rani Kanwar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4167 of 2005

Petitioner		Smt. S.L. Johns
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4168 of 2005

Petitioner		B.R. Chandranahu
	Versus	
Respondents		State of Chhattisgarh and others

(130)

Writ Petition No. 4169 of 2005

Petitioner		Benedict Minj
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4170 of 2005

Petitioner		H. Anthoney
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4171 of 2005

Petitioner		Smt. D. Francline
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4172 of 2005

Petitioner		I. Minj
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4173 of 2005

Petitioner		Smt. S. Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4174 of 2005

Petitioner		Jung Bahadurl Gurung
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4175 of 2005

Petitioner		Victor Barwa
	Versus	
Respondents		State of Chhattisgarh and others

131

Writ Petition No. 4176 of 2005

Petitioner		Jagdeo Ram
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4177 of 2005

Petitioner		Ronald R. Peter
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4178 of 2005

Petitioner		Smt. Archana Das
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4179 of 2005

Petitioner		Miss Rukhsana Usmani
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4180 of 2005

Petitioner		Smt. P.S. Pillai
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4181 of 2005

Petitioner		Rameshwar Prasad Chandrakar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4182 of 2005

Petitioner		Ku. S. M. Lal
	Versus	
Respondents		State of Chhattisgarh and others

(132)

Writ Petition No. 4185 of 2005

Petitioner		Smt. T. Emeelya Hemlata
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4186 of 2005

Petitioner		Santosh Kumar Yadav
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4187 of 2005

Petitioner		Smt. Viviyan Scott
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4188 of 2005

Petitioner		Smt. A.M. Barde
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4189 of 2005

Petitioner		Smt. Mridula Peter
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4218 of 2005

Petitioner		H.K. Deshmukh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4222 of 2005

Petitioner		D.K. Pareta
	Versus	
Respondents		State of Chhattisgarh and others

(133)

Writ Petition No. 4224 of 2005

Petitioner		I.P. Sahu
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4225 of 2005

Petitioner		Smt. Razi Vaddan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4226 of 2005

Petitioner		P.N. Agrawal
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4227 of 2005

Petitioner		D.K. Swarnakar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4228 of 2005

Petitioner		Ravi Kumar Sharma
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4229 of 2005

Petitioner		N.K. Royzada
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4230 of 2005

Petitioner		P.L. Dewangan
	Versus	
Respondents		State of Chhattisgarh and others

(134)

Writ Petition No. 4231 of 2005

Petitioner		M.L. Sharma
	Versus	
Respondents		.State of Chhattisgarh and others

Writ Petition No. 4232 of 2005

Petitioner		Smt. Pushpa Shrivastava
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4233 of 2005

Petitioner		Smt. Usha Deshmukh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4234 of 2005

Petitioner		Smt. Sudha Nath
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4235 of 2005

Petitioner		Smt. Usha Thoke
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4236 of 2005

Petitioner		Smt. Kamar Sultana
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4237 of 2005

Petitioner		G.D. Jangade
	Versus	
Respondents		State of Chhattisgarh and others

(135)

Writ Petition No. 4238 of 2005

Petitioner		R.K. Deo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4248 of 2005

Petitioner		Smt. Anjali Shrivastava
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4249 of 2005

Petitioner		Smt. Lalita Thakur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4321 of 2005

Petitioners		Ashok Hazara & others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4322 of 2005

Petitioners		Smt. Chhitra Nagpal and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4459 of 2005

Petitioner		Sukhi Ram
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4460 of 2005

Petitioner		K.S. Thakur
	Versus	
Respondents		State of Chhattisgarh and others

(136)

Writ Petition No. 4461 of 2005

Petitioner		Smt. N. Chopda
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4462 of 2005

Petitioner		Ram Singh Kaiwart
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4469 of 2005

Petitioner		N.K. Tiwari
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4471 of 2005

Petitioner		R.N. Jaiswal
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4472 of 2005

Petitioner		R.L. Vishwakarma
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4473 of 2005

Petitioner		R.K. Tiwari
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4474 of 2005

Petitioner		Ku. P. Kaser
	Versus	
Respondents		State of Chhattisgarh and others

(137)

Writ Petition No. 4475 of 2005

Petitioner		Thamas P.C.
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4476 of 2005

Petitioner		Mahendra Kumar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4477 of 2005

Petitioner		V.K. Maheshwari
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4478 of 2005

Petitioner		N.K. Dewangan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4479 of 2005

Petitioner		Sunita Nigam
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4480 of 2005

Petitioner		Smt. R. M. Sharma
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4481 of 2005

Petitioner		K.C. Pandey
	Versus	
Respondents		State of Chhattisgarh and others

(138)

Writ Petition No. 4482 of 2005

Petitioner		M.D. Sen
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4483 of 2005

Petitioner		S.K. Sawarkar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4484 of 2005

Petitioner		Amrit Lal Sahu
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4485 of 2005

Petitioner		Makhanpuri Goswami
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.4486 of 2005

Petitioner		Mohan Lal Sharma
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4487 of 2005

Petitioner		Smt. Kanti Baghel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4488 of 2005

Petitioner		Aruna Hariharno
	Versus	
Respondents		State of Chhattisgarh and others

(139)

Writ Petition No. 4489 of 2005

Petitioner		Smt. B. Leela Patnaik
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4490 of 2005

Petitioner		B.L. Chandel
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4491 of 2005

Petitioner		V.P. Mishra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4492 of 2005

Petitioner		V.P. Sharma
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4493 of 2005

Petitioner		T.K. Choudhary
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4511 of 2005

Petitioner		Anand Kumar Mandal
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4512 of 2005

Petitioner		Radha Govind Tiwari
	Versus	
Respondents		State of Chhattisgarh and others

(140)

Writ Petition No. 4513 of 2005

Petitioner		Ku. Margret Philip
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4514 of 2005

Petitioner		B.L. Kushwaha
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4517 of 2005

Petitioner		James Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4518 of 2005

Petitioner		Smt. Swarup Bai Dansena
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4519 of 2005

Petitioner		Shibapada Baidya
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4520 of 2005

Petitioner		Deo Kumar Gupta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4521 of 2005

Petitioner		Smt. Prabha Singh Rana
	Versus	
Respondents		State of Chhattisgarh and others

141

Writ Petition No. 4525 of 2005

Petitioners		Smt. N. Sheikh & others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4529 of 2005

Petitioner		Smt. Akhtar Shah
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4530 of 2005

Petitioner		Ku. Rehana Shahnaz
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4531 of 2005

Petitioner		Smt. Qadeer Khan
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4532 of 2005

Petitioner		Bhau Rao Bagade
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4533 of 2005

Petitioner		N. V. Rao
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4534 of 2005

Petitioner		Smt. D.S. Laxmi
	Versus	
Respondents		State of Chhattisgarh and others

(142)

Writ Petition No. 4535 of 2005

Petitioner		D. Ramam
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4663 of 2005

Petitioners		Ratnesh Benjamin & others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4664 of 2005

Petitioners		Mohd. Shoaeb Ansari & others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4680 of 2005

Petitioner		Joseph Tigga
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4681 of 2005

Petitioners		Ku. Mary Patel Xalxo and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4682 of 2005

Petitioner		Bhinsent Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4683 of 2005

Petitioner		Marcus Panna
	Versus	
Respondents		State of Chhattisgarh and others

(143)

Writ Petition No. 4684 of 2005

Petitioner		Ruben Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4685 of 2005

Petitioner		Anugrah Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4713 of 2005

Petitioner		Radheshyam Barik
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4737 of 2005

Petitioner		Smt. Sulochana
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4739 of 2005

Petitioner		Nicodin Barwa
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4740 of 2005

Petitioner		Shankar Ram Gupta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4745 of 2005

Petitioner		James Ekka
	Versus	
Respondents		State of Chhattisgarh and others

(144)

Writ Petition No. 4746 of 2005

Petitioner		Ku. Arik Mary Rose Bachmann
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4747 of 2005

Petitioner		Fuljene Lakara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4749 of 2005

Petitioner		Martin Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.4767 of 2005

Petitioner		M. Kaleem
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4785 of 2005

Petitioner		Suresh Chand Sharma
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4798 of 2005

Petitioner		Ku. Anastsiya Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4800 of 2005

Petitioner		Ku. Emerncia Ekka
	Versus	
Respondents		State of Chhattisgarh and others

(145)

Writ Petition No. 4801 of 2005

Petitioner		Edward Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4802 of 2005

Petitioner		Ku. Deodatta Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4803 of 2005

Petitioner		Miss Sabina Lakra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4804 of 2005

Petitioner		Ku. Carmela Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4805 of 2005

Petitioner		Ku. Clementina Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4806 of 2005

Petitioner		Ku. Lawrencia Lakra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4807 of 2005

Petitioner		Martin Ekka
	Versus	
Respondents		State of Chhattisgarh and others

(146)

Writ Petition No. 4808 of 2005

Petitioner		Ku. Dilbaso Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4809 of 2005

Petitioner		Haril Ram
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4810 of 2005

Petitioner		Ku. Bertha Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4811 of 2005

Petitioner		Ku. Lavrencia Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4812 of 2005

Petitioner		Ku. Sushana Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4813 of 2005

Petitioner		Ku. Tarsila Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4814 of 2005

Petitioner		Ku. Marry Fransisca Lakra
	Versus	
Respondents		State of Chhattisgarh and others

(147)

Writ Petition No. 4815 of 2005

Petitioner		Ku. Agnes Lakra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4816 of 2005

Petitioner		Virgina Kerketta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4817 of 2005

Petitioner		Selvester Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4859 of 2005

Petitioner		Smt. S. Roy
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4860 of 2005

Petitioner		Smt. K. Talukdar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4861 of 2005

Petitioner		Smt. M. Roy
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 4862 of 2005

Petitioner		Smt. S. Bhattacharjee
	Versus	
Respondents		State of Chhattisgarh and others

(148)

Writ Petition No. 5004 of 2005

Petitioner		V.T. Peter
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5086 of 2005

Petitioner		M.R. Dewangen
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5088 of 2005

Petitioner		F.L. Pandey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5089 of 2005

Petitioner		B.L. Shandilya
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5090 of 2005

Petitioner		S.N. Chaudhari
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5092 of 2005

Petitioner		R.L. Sahu
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5093 of 2005

Petitioner		H.G. Goswami
	Versus	
Respondents		State of Chhattisgarh and others

(149)

Writ Petition No. 5135 of 2005

Petitioners		Vinod Kumar Sharma and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5191 of 2005

Petitioner		Jogchim Kisptta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5236 of 2005

Petitioner		Niryus Lakara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5237 of 2005

Petitioner		Smt. Maristella Lakara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5238 of 2005

Petitioner		Ku. Chonhanti Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5239 of 2005

Petitioner		Ku. Scholastica Soureng
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5240 of 2005

Petitioner		Smt. Jesinta Kujur
	Versus	
Respondents		State of Chhattisgarh and others

(150)

Writ Petition No.5241 of 2005

Petitioner		Hylarius Minz
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5242 of 2005

Petitioner		Abraham Lakara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5243 of 2005

Petitioner		Ku. Victoriya Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5245 of 2005

Petitioner		Athanas Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5252 of 2005

Petitioner		Suresh Chandra Mahapatra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5253 of 2005

Petitioner		Jermarius Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5254 of 2005

Petitioner		Vinay Kumar Gupta
	Versus	
Respondents		State of Chhattisgarh and others

(151)

Writ Petition No. 5255 of 2005

Petitioner		Devnandan Prasad
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5256 of 2005

Petitioner		Smt. Jasinta Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5257 of 2005

Petitioner		Felisita Beck
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5258 of 2005

Petitioner		Ram Pratap Tiwari
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5259 of 2005

Petitioner		Athnas Bara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5303 of 2005

Petitioner		William Lakara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5304 of 2005

Petitioner		Amaldas Minz
	Versus	
Respondents		State of Chhattisgarh and others

(152)

Writ Petition No. 5305 of 2005

Petitioner		Elisius Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5306 of 2005

Petitioner		Devsharan Pandey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5307 of 2005

Petitioner		Arun Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5308 of 2005

Petitioner		Hiznus Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5309 of 2005

Petitioner		Hiznus Kerketta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5310 of 2005

Petitioner		Mariyanus Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5311 of 2005

Petitioner		Gregori Tigga
	Versus	
Respondents		State of Chhattisgarh and others

153

Writ Petition No. 5312 of 2005

Petitioner		Birsu Singh Thakur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5313 of 2005

Petitioner		Rajkumar Prasad Mishra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5314 of 2005

Petitioner		Smt. Jyoti Kerketta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5430 of 2005

Petitioner		Smt. Silmanti Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5446 of 2005

Petitioner		Smt. Marry Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5470 of 2005

Petitioner		Bhaskar Dutta Tiwari
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5531 of 2005

Petitioner		Nestore Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

(154)

Writ Petition No. 5532 of 2005

Petitioner		Theophil Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5533 of 2005

Petitioner		Ku. Sushita Dungdung
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5534 of 2005

Petitioner		Clara Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5535 of 2005

Petitioner		Byatore Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5536 of 2005

Petitioner		Agustus Lakara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5537 of 2005

Petitioner		Ku. Prafulla Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5538 of 2005

Petitioner		Kheetu Ram Panda
	Versus	
Respondents		State of Chhattisgarh and others

(155)

Writ Petition No. 5542 of 2005

Petitioner		Bihari Lal Rathia
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5560 of 2005

Petitioner		William Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5561 of 2005

Petitioner		Patrik Bakhala
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5582 of 2005

Petitioner		Yogal Kumar Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5583 of 2005

Petitioner		Vijay Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5584 of 2005

Petitioner		Michail Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5585 of 2005

Petitioner		Philmon Lakara
	Versus	
Respondents		State of Chhattisgarh and others

(156)

Writ Petition No. 5586 of 2005

Petitioner		Rudolf Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5587 of 2005

Petitioner		Jerom Lakara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5588 of 2005

Petitioner		Agustus Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5589 of 2005

Petitioner		Clement Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5590 of 2005

Petitioner		Ku. Matinda Lakara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5606 of 2005

Petitioner		Habil Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5607 of 2005

Petitioner		Seraphim Kerketta
	Versus	
Respondents		State of Chhattisgarh and others

(157)

Writ Petition No. 5608 of 2005

Petitioner		Rengsa Indnar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5609 of 2005

Petitioner		Theophil Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5610 of 2005

Petitioner		Ruben Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5611 of 2005

Petitioner		Bhushan Xalxo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5614 of 2005

Petitioner		Jyoti Prakash Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5615 of 2005

Petitioner		Ishak Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5619 of 2005

Petitioner		Fabianus Beck
	Versus	
Respondents		State of Chhattisgarh and others

(158)

Writ Petition No. 5620 of 2005

Petitioner		Praveen Ku. Singh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5621 of 2005

Petitioner		Anil Ku. Gupta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5622 of 2005

Petitioner		Pascal Xess
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5623 of 2005

Petitioner		Ajit Praful Minz
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5624 of 2005

Petitioner		Hermanus Baxala
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5625 of 2005

Petitioner		Alois Walsoni Minz
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5626 of 2005

Petitioner		Clement Lakara
	Versus	
Respondents		State of Chhattisgarh and others

(159)

Writ Petition No. 5627 of 2005

Petitioners		Baldau Prasad Swarnkar & others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5628 of 2005

Petitioner		Basant Kumar Chandrakar
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5629 of 2005

Petitioner		Cletus Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5630 of 2005

Petitioner		Telesfore Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5644 of 2005

Petitioner		Smt. Jois Larensh Singh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5687 of 2005

Petitioner		Smt. Api Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5688 of 2005

Petitioner		Smt. Regina Kujur
	Versus	
Respondents		State of Chhattisgarh and others

(160)

Writ Petition No. 5689 of 2005

Petitioner		Ashok Ku. Tigga
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5690 of 2005

Petitioner		Benjamin Lakra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No. 5691 of 2005

Petitioner		Smt. Jasinta Kerketta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5692 of 2005

Petitioner		William Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5693 of 2005

Petitioner		Gregori Ekka
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5694 of 2005

Petitioner		Vinsent Lakra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5695 of 2005

Petitioner		Johan Beck
	Versus	
Respondents		State of Chhattisgarh and others

(161)

Writ Petition No.5696 of 2005

Petitioner		Libnus Xaxa
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5697 of 2005

Petitioner		Philip Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5698 of 2005

Petitioner		Ciril Xalxo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5699 of 2005

Petitioner		Michael Beck
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5700 of 2005

Petitioner		Remis Bara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5701 of 2005

Petitioner		Smt. Lucia Tirkey
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5702 of 2005

Petitioner		Ku. Dorothia Kerketta
	Versus	
Respondents		State of Chhattisgarh and others

(162)

Writ Petition No.5703 of 2005

Petitioner		Smt. Jyoti Lakra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5704 of 2005

Petitioner		Pascal Xalxo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5705 of 2005

Petitioner		Albinus Kerketta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5706 of 2005

Petitioner		Ku. Susanna Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5707 of 2005

Petitioner		Ku. Dayawanit Minj
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5708 of 2005

Petitioner		Pushpa Xaxa
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5709 of 2005

Petitioner		Smt. Selsa Minj
	Versus	
Respondents		State of Chhattisgarh and others

(163)

Writ Petition No.5710 of 2005

Petitioner		Smt. Sophia Kispotta
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5711 of 2005

Petitioner		Smt. Jyoti Tigga
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5719 of 2005

Petitioner		Lucas Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5807 of 2005

Petitioner		Jai Kumar Lakara
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5997 of 2005

Petitioners		Dhirendra Kumar Mishra and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5998 of 2005

Petitioners		Ku. Gress Mariyam Tirkey and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6034 of 2005

Petitioner		Ghanshyam Gupta
	Versus	
Respondents		State of Chhattisgarh and others

(164)

Writ Petition No.6035 of 2005

Petitioner		Linus Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6036 of 2005

Petitioner		Lalit Kumar Lakra
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6037 of 2005

Petitioner		Heliarus Khakha
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6038 of 2005

Petitioner		Bardan Toppo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6039 of 2005

Petitioner		Yashpal Kujur
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6040 of 2005

Petitioner		Nashrit Tigga
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6041 of 2005

Petitioner		Iliyazar Toppo
	Versus	
Respondents		State of Chhattisgarh and others

(165)

Writ Petition No.6042 of 2005

Petitioner		Vijay Kumar Singh
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6043 of 2005

Petitioner		Smt. Pushpa Xalxo
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6086 of 2005

Petitioners		Gayanand Prasad Pandey and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6281 of 2005

Petitioners		R.S. Rai and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6282 of 2005

Petitioners		Ramanand Soni and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6334 of 2006

Petitioner		Jagdatt Prasad Sharma
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.6336 of 2006

Petitioner		Shambhu Dayal Sahu
	Versus	
Respondents		State of Chhattisgarh and others

(166)

Writ Petition No.6335 of 2006

Petitioner		Dashrath Lal Yadav
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3988 of 2005

Petitioners		Ram Kumar Kesharwani and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.3864 of 2005

Petitioner		Lambodar Pod
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.2609 of 2006

Petitioners		Johnson Peter and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.2651 of 2006

Petitioners		B.D. Dwivedi and others
	Versus	
Respondents		State of Chhattisgarh and others

Writ Petition No.5481 of 2005

Petitioners		Haldhar Pradhan and others
	Versus	
Respondents		State of Chhattisgarh and others

Present : Mr. Sanjay K. Agrawal, Mr. Ashish Shrivastava, Mr. Manoj Paranjpe, Mrs. Fouzia Mirza, Mr. Arun Kumar Shukla, Mr. Sanjay Ram Tamrakar, Mr. Rewa Shankar

(167)

Patel, Mr. Ramakant Pandey, Mr. Ramakant Mishra, Mr. Neelkanth Malviya, Mr. Anoop Majumdar, Mr. Anurag Dayal Shrivastava, Mr. V.K.Pandey, Mr. Y.C.Sharma, Mr. Anupam Dubey, Mr. Shailendra Shukla, Ms. Sunita Jain, Mr. Saurabh Sharma, Mr. Saurabh Sahani, Mr. Sachin Singh Rajput, Mr. A.K.Yadav, Mr. Raghvendra Pradhan and Mr. S.S.Mishra, counsel for the petitioners.

Mr. V.V.S.Moorthy, Deputy Advocate General with Mrs. Anju Ahuja, Deputy Government Advocate for the State of Chhattisgarh/respondents.

Mr. Yashwant Tiwari, Mr. Amiyakant Tiwari, Mr. Vinay Pandey, Mr. Arvind Dubey, Mr. D.N.Prajapati, Mr. Awadh Tripathi, Mr. Sunil Sahu, Mr. Pradeep Saxena, Mr. Sankalp Jayaswal, Mr. N.L.Soni, Mr. Sunil Tripathi and Mr. B.D.Guru, counsel for the other respondents.

ORDER

(Passed on 6th Day of February, 2007)

The question of law involved in this batch of writ petitions is as to whether the teachers working in Government aided schools are entitled to the benefit of recommendations of Vth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1998 (henceforth 'the Pay Rules, 1998'). The facts involved in all the petitions are common. Thus, all the petitions are being considered and disposed of by a common order.

2. The facts, in nutshell, are that the petitioners are teachers working in Government aided schools under the provisions of the Adhiniyam, 1978. The Governor of the undivided Madhya Pradesh,

(168)

while exercising powers conferred by the Proviso to Article 309 of the Constitution of India, made the Pay Rules, 1998. Rule 9 of the Pay Rules, 1998 provides for payment of revised pay-scale with effect from 1-1-1996. Other provisions of the Pay Rules, 1998 provides for exercising of option and distribution of arrears etc. Rule 14 of the Pay Rules, 1998 provides for power to relax to the extent that the State Government may relax or suspend the operation of any of the provisions of these rules in the case of Government Servants or category of Government servants in such manner and to such extent as may appear to be just and equitable or necessary or expedient in the public interest. It was further provided that such relaxation or suspension shall not operate to the disadvantage of the Government Servant or categories of Government servants, as the case may be.

3. The State Government of Chhattisgarh, in exercise of the powers conferred by Section 79 of the Madhya Pradesh Reorganisation Act, 2000 (No.28 of 2000), passed the Adaptation of Laws Order, 2002 (henceforth 'the Order, 2002'). The Order, 2002 came into force with effect from 1-11-2000 to the extent that the laws, as amended from time to time, specified in the Schedule to the Order, 2002, which was in force in the State of Madhya Pradesh immediately before the formation of the State of Chhattisgarh, were adapted by the State of Chhattisgarh until repealed or amended, subject to the modification that in the laws for the words "Madhya Pradesh", wherever they occur the word "Chhattisgarh" shall be substituted. The Adhiniyam, 1978, the Pay Rules, 1998, the Regulation of Board of Secondary Education M.P. Madhyamic Shiksha Niyam, 1966 were adapted, as it is, without any modification/amendment.

(169)

4. Mr. Sanjay K. Agrawal, Mr. Ashish Shrivastava, Mr. Manoj Paranjpe, Mrs. Fouzia Mirza, Mr. Arun Kumar Shukla, Mr. Sanjay Ram Tamrakar, Mr. Rewa Shankar Patel, Mr. Ramakant Pandey, Mr. Ramakant Mishra, Mr. Neelkanth Malviya, Mr. Anoop Majumdar, Mr. Anurag Dayal Shrivastava, Mr. V.K.Pandey, Mr. Y.C.Sharma, Mr. Anupam Dubey, Mr. Shailendra Shukla, Ms. Sunita Jain, Mr. Saurabh Sharma, Mr. Saurabh Sahani, Mr. Sachin Singh Rajput, Mr. A.K.Yadav, Mr. Raghvendra Pradhan and Mr. S.S.Mishra, learned counsel appearing for the petitioners, would make common submissions as under :-

(i) Non-grant of benefit of recommendations of Vth Pay Commission at par with teachers working in Government schools is contrary to the provisions of the Adhiniyam, 1978, which provides for regulation of payment of salaries to teachers and other employees of Non-Government schools receiving grants-in-aid from the State Government, and Regulation 73 of the Board of Secondary Education, Madhya Pradesh Regulations, 1965.

(ii) Refusal of grant of benefit of recommendations of Vth Pay Commission with effect from 1-1-1996 is arbitrary, discriminatory and violative of Articles 14, 16, 21 and 39(d) of the Constitution of India as the teachers working in the Non-Government schools receiving full grants-in-aid are not treated

(170)

at par with teachers working in the Government schools.

(iii) Granting revision of pay-scale on the basis of the recommendations of Vth Pay Commission with effect from 1-10-2006 vide circular dated 28-11-2006 (P-2) is violative of Rule 9 of the Pay Rules, 1998.

5. *Per contra*, Mr. V.V.S.Moorthy, learned Deputy Advocate General with Mrs. Anju Ahuja, learned Deputy Government Advocate, appearing for the State of Chhattisgarh/respondents, would submit that these writ petitions be dismissed on the ground of delay and laches, as the recommendations of Vth Pay Commission were made effective with effect from 1-1-1996 by making the Pay Rules, 1998. The petitioners have preferred these petitions after a period of 10 years from the date cause of action arose. The counsel would further contend that the petitioners, being not employees of the Government, are not entitled to similar benefit as granted to the Government teachers. The claim of the petitioners was already rejected by the erstwhile State of Madhya Pradesh vide order dated 4-7-2000 (R-1/1). Thus, the petitioners are bound by the said order. It was next contended that the Adhiniyam, 1978 has been amended vide notification dated 22-8-2000 (R-1/2), wherein definition of "grant", "teacher", "salary" given to the Non-Government schools receiving aid from the Government have been amended and as per new definitions, the petitioners are not entitled to

(171)

revised pay-scale as per the recommendations of Vth Pay Commission with effect from 1-1-1996.

6. I have heard learned counsel appearing for the parties and perused the pleadings, documents appended thereto.

7. The Adhiniyams, Rules and Regulations (supra) were framed to grant benefit to teachers and other employees of the Non-Government schools receiving grants-in-aid from the Government before bifurcation of State of Madhya Pradesh. Pursuant to the Madhya Pradesh Reorganisation Act, 2000, the same were adapted by the State of Chhattisgarh under the Order, 2002. The High Court of Madhya Pradesh, while considering the same issue in ***V.V.Ashthana and others*** vs. ***State of Madhya Pradesh and others*** (Writ Petition No.2029 of 2000) and ***Indore Region Shikshak Karmachari Sangh and another*** vs. ***State of Madhya Pradesh and others*** (Writ Petition No.1841 of 2001) and several others, held that the teachers of the Non-Government institutions are entitled for similar pay-scale, dearness allowance, house rent allowance, as has been paid to the corresponding category of teachers in Government institutions with effect from 1-1-1996. A Division Bench of the High Court of Madhya Pradesh, in L.P.A. No.48 of 2003, dismissed the appeal against the order dated 29-1-2003 passed in ***V.V.Ashthana and others*** vs. ***State of Madhya Pradesh and others*** (supra).

8. In order to appreciate the question of law involved herein, it is necessary to quote certain relevant provisions of law.

172

Clause (d) of sub-section (2) of Section 28 of the Madhya Pradesh/Chhattisgarh Madhyamik Shiksha Adhiniyam, 1965 (henceforth 'the Shiksha Adhiniyam, 1965') reads as under :-

> **"28. Power of Board to make regulations. –**
> (1) xxxxx xxxxx xxxxx
>
> (2) In particular and without prejudice to the generality of the foregoing power, the Board may make regulations providing for all or any of the following matters, namely:
>
> (a) xxxxx xxxxx xxxxx
>
> (b) xxxxx xxxxx xxxxx
>
> (c) xxxxx xxxxx xxxxx
>
> (d) the conditions of recognition of institutions for purposes of admission to the privileges of the Board, the qualification and condition of service of teachers and framing of a School Code to ensure a minimum standard of efficient and uniform management of such institutions."

9. Regulation 73 of the Board of Secondary Education, Madhya Pradesh Regulations, 1965 (henceforth 'the Regulations, 1965') reads as under :-

> **"73.** The scales of pay of the staff, in educational institutions which are in receipt of Government grant, shall not be less than those

(173)

sanctioned for the corresponding staff in Government institution.

In the case of educational institutions which are not aided, there shall be a scale of pay, the minimum of which shall not be less than that in Government educational institutions."

10. The relevant provisions of the Adhiniyam, 1978 read as under :-

"An Act to make provision for regulating payment of salaries to teachers and other employees of Non-Government Schools receiving grant-in-aid from the State Government and Non-Government Educational Institutions for Higher Education receiving grants from the Madhya Pradesh Uchcha Shiksha Anudan Ayog and other maters ancillary thereto."

"2. **Definitions.** – In this Act, unless the context otherwise requires, –

(a) xxxxx xxxxx xxxxx

(b) xxxxx xxxxx xxxxx

(c) xxxxx xxxxx xxxxx

(d) "Employee" means an employee of the institution other than a teacher in respect of whose employment maintenance grant is paid by the State Government or the Ayog, as the case may be, to the institution and shown on the pay roll of the institution against a post as being in the employment

(174)

as such but does not include an employee whose appointment is disapproved under clause (c) of section 6;

(e) "Institution" means a non-Government School or non-Government Educational Institution for higher education for the time being receiving maintenance grant from the State Government or from the Madhya Pradesh Uchcha Shiksha Anudan Ayog, as the case may be, established, administered and managed by a society registered or deemed to be registered under the Madhya Pradesh Society Registrikaran Adhiniyam, 1973 (No.44 of 1973) but does not include an institution established, administered and managed by –

(i) the Central Government; or
(ii) the State Government; or
(iii) a local authority; or
(iv) any agency managed, controlled, approved or sponsored by the Central Government or the State Government, as the State Government may, by notification, specify;
(v) a non-trading corporation formed and registered under the Madhya Pradesh Non-Trading Corporation Act, 1962 (No.20 of 1962) or deemed to have been registered thereunder;

(f) xxxxx xxxxx xxxxx

(175)

(g) xxxxx xxxxx xxxxx

(h) xxxxx xxxxx xxxxx

(i) "Teacher" means a teacher of an institution in respect of whose employment maintenance grant is paid by the State Government or the Ayog, as the case may be, to the institutions and includes any other teacher employed, with the prior approval of the authority specified by the State Government in this behalf, in fulfillment of the conditions of recognition/affiliation of an institution or of a new subject or a higher class or a new section in the existing class by the Madhya Pradesh Board of Secondary Education or any University or the Ayog, as the case may be, and shown on the pay roll of the institution against a post as being in the employment as such but does not include a teacher whose appointment is disapproved under clause (c) of section 6;

(j) "Salary" means the pay and dearness allowance for the time being payable to a teacher or an employee at the rate approved for the purpose of payment of maintenance grant;"

11. The relevant provisions of the Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetano Ka Sandaya) Sanshodhan Adhiniyam, 2000 (henceforth 'the Sanshodhan Adhiniyam, 2000') read as under :-

(176)

"4. In Section 2 of the Principal Act, –

(i) xxxxx xxxxx xxxxx

(ii) for clause (f), the following clause shall be substituted, namely:-

"(f) 'grant' means a grant given to the institution as may be fixed by the State Government from time to time.";

(iii) for clause (i), the following clause shall be substituted, namely:-

"(i) 'Teacher' means a teacher of an institution employed in fulfillment of the conditions of recognition/affiliation of an institution or of a new subject or a higher class or a new section in the existing class by the Madhya Pradesh Board of Secondary Education or any University or the Ayog, as the case may be, and shown on the pay roll of the institution against a post as being in the employment as such but does not include a teacher whose appointment is disapproved under clause (c) of Section 6.";

(iv) for clause (j), the following clause shall be substituted, namely:-

"(j) 'salary' means the salary and other allowances payable to a teacher or

177

an employee at the rate as may be notified by the institution."

12. The relevant provisions of the Pay Rules, 1998 read as under :-

"4. **Revised scale of Pay**. – From the date of commencement of these rules, the scale of pay of every post carrying existing scale of pay shall be as specified in the corresponding entry in column (4) of the Schedule I or Schedule II, as the case may be."

"9. **Fixation of pay in the revised scale of pay subsequent to 1st day of January 1996**. – (1) Where a Government Servant continues to draw his pay in the existing scale of pay and is brought over to the revised scale of pay from a date later than the 1st January 1996 his pay from the later date in the revised scale of pay shall be fixed under Fundamental Rules, with reference to his basic pay in the existing scale of pay.

(2) A Government Servant who has officiated in a post prior to 1st January 1996 but was not holding that post on 1st January 1996 and who on subsequent appointment to that post draws pay in the revised scale of pay shall be allowed the benefit of the proviso to F.R. 22 to the extent it would have been admissible to him had he been holding that post on the 1st day of January 1996 and had elected the revised scale of pay on that date."

(176)

"11. **Payment of arrears of pay.** – The actual arrears of pay as a result of fixation of pay under these rules shall be payable in cash from 1st January 1998 (i.e. pay for the month of January 1998 payable in February 1998). The entire amount of difference of emoluments payable on the pay fixed on 1st January 1996 or from the date of next increment or subsequent increments and the emoluments received in the existing pay till 31st December 1997 shall be kept in a separate account, the details of which shall be issued by the State Government separately and on such amount an interest equal to the interest payable to the General Provident Fund of Government Servant shall be paid. This amount shall be deposited in the respective Provident Fund account of the Government Servant on 31st December 2002 :

Provided that in case of retirement/termination/death of Government Servants, the entire amount with interest due thereon at the time will be transferred to the provident fund account of such Government Servants :

Provided further that in case of retirement/termination/death occurs after 1st January 1996 and before pay fixation under this rule, and the final payment of Provident Fund has also been made, the arrears will be paid in cash."

13. The relevant provisions of the Revised Grant-in-Aid Rules, 1979 read as under :-

179

"4. Taking into account the requirement and availability of funds, grants under these rules will be given, to non-Government institutions which impart sound and secular instruction. Such grants will be subject to the conditions specified in these rules and also subject to further conditions as may be specified by the State Government from to time-to-time."

"33. (i) The scales of pay of the teachers including the Head of the Institution, and other employees of an educational institution which is in receipt of Government grant shall be in accordance with those sanctioned for the corresponding categories of employees in Government educational institutions."

14. Hon'ble Mr. Justice R.C.Lahoti, the then Chief Justice of India, speaking on behalf of a seven Hon'ble Judges Bench of the Supreme Court of India in ***P.A.Inamdar and others*** **vs.** ***State of Maharashtra and others***[1], has elaborated importance of education in a civilized society as education is national wealth essential for the nation's progress and prosperity. The Hon'ble Supreme Court defined education in following terms : -

"Education

81. "Education" according to *Chambers Dictionary* is "bringing up or training; ...strengthening of the powers of body or mind; culture".

(180)

82. In *Advanced Law Lexicon* (P. Ramanatha Aiyar, 3rd Edn., 2005, Vol. 2) "education" is defined in very wide terms. It is stated:

"Education is the bringing up; the process of developing and training the powers and capabilities of human beings. In its broadest sense the word comprehends not merely the instruction received at school, or college but the whole course of training moral, intellectual and physical; is not limited to the ordinary instruction of the child in the pursuits of literature. It also comprehends a proper attention to the moral and religious sentiments of the child. And it is sometimes used as synonymous with 'learning'."

83. In *Sole Trustee, Lok Shikshana Trust* v. *CIT*[11] the term "education" was held to mean (SCC p. 262, para 5)

"the systematic instruction, schooling or training given to the young in preparation for the work of life. It also connotes the whole course of scholastic instruction which a person has received. ...What education connotes ...is the process of training and developing the knowledge, skill, mind and character of students by formal schooling."

84. In "India – Vision 2020" published by the Planning Commission of India, it is stated (at p. 250):

"Education is an important input both for the growth of the society as well as for the individual. Properly planned educational input can contribute to increase in the gross national products, cultural richness, build positive attitude towards technology and increase efficiency and

effectiveness of the governance. Education opens new horizons for an individual, provides new aspirations and develops new values. It strengthens competencies and develops commitment. Education generates in an individual a critical outlook on social and political realities and sharpens the ability to self-examination, self-monitoring and self-criticism."

"The term 'knowledge society', 'information society' and 'learning society' have now become familiar expressions in educational parlance, communicating emerging global trends with far-reaching implications for growth and development of any society. These are not to be seen as mere clichés or fads but words that are pregnant with unimaginable potentialities. Information revolution, information technologies and knowledge industries, constitute important dimensions of an information society and contribute effectively to the growth of a knowledge society." (*ibid.*, p. 246)

"Alvin Toffler (1980) has advanced the idea that power at the dawn of civilisation resided in the 'muscle'. Power then got associated with money and in the 20th century it shifted its focus to 'mind'. Thus the shift from physical power to wealth power to mind power is an evolution in the shifting foundations of economy. This shift supports the observation of Francis Bacon who said 'knowledge itself is power'; stressing the same point and upholding the supremacy of mind power, in his characteristic expression, Winston Churchill said, 'the empires of the future shall be empires of the mind'. Thus, he corroborated Bacon and professed the emergence of the knowledge society." (*ibid.*, p. 247)

182

85. Quadri, J. has well put it in his opinion in *Pai Foundation*[1]: (SCC p. 635, para 287)

"*287.* Education plays a cardinal role in transforming a society into a civilised nation. It accelerates the progress of the country in every sphere of national activity. No section of the citizens can be ignored or left behind because it would hamper the progress of the country as a whole. It is the duty of the State to do all it could, to educate every section of citizens who need a helping hand in marching ahead along with others."

86. According to Dr. Zakir Hussain, a great statesman with democratic credentials, a secularist and an educationist, a true democracy is one where each and every citizen is involved in the democratic process and this end cannot be achieved unless we remove the prevailing large-scale illiteracy in our country. Unless universal education is achieved which allows every citizen to participate actively in the processes of democracy, we can never claim to be a true democracy. Dr. Zakir Hussain sought to ensure that the seeds of knowledge were germinated in the minds of as many citizens as possible, with a view to enabling them to perform their assigned roles on the stage of democracy. [Dr. Zakir Hussain, as quoted by Justice A.M. Ahmadi, the then Chief Justice of India[12], SCC (J) at pp. 2-3.]

87. Under Article 41 of the Constitution, right to education, amongst others, is obligated to be secured by the State by making effective provision therefor. Fundamental duties recognised by Article 51-A include, amongst others: Article 51-A(*h*) to develop scientific temper, humanism and the spirit

(183)

of inquiry and reform; and Article 51-A(*j*) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement. None can be achieved or ensured except by means of education. It is well accepted by the thinkers, philosophers and academicians that if JUSTICE, LIBERTY, EQUALITY and FRATERNITY, including social, economic and political justice, the golden goals set out in the preamble to the Constitution are to be achieved, the Indian polity has to be educated and educated with excellence. Education is a national wealth which must be distributed equally and widely, as far as possible, in the interest of creating an egalitarian society, to enable the country to rise high and face global competition. "Tireless striving stretching its arms towards perfection" (to borrow the expression from Rabindranath Tagore) would not be successful unless strengthened by education.

88. Education is:

"...continual growth of personality, steady development of character, and the qualitative improvement of life. A trained mind has the capacity to draw spiritual nourishment from every experience, be it defeat or victory, sorrow or joy. Education is *training the mind* and not *stuffing the brain*."

(See *Eternal Values for A Changing Society*, Vol. III *Education for Human Excellence*, published by Bharatiya Vidya Bhavan, Bombay, at p. 19.)

"We want that education by which character is formed, strength of mind is increased, the intellect

(184)

> is expanded, and by which one can stand on ones own feet. ...The end of all education, all training, should be man-making. The end and aim of all training is to make the man grow. The training by which the current and expression of will are brought under control and become fruitful is called education." (Swami Vivekanand as quoted *ibid.*, at p. 20.)
>
> **89.** Education, accepted as a useful activity, whether for charity or for profit, is an occupation. Nevertheless, it does not cease to be a service to society. And even though an occupation, it cannot be equated to a trade or a business."

15. In view of the several decisions of the Hon'ble Supreme Court of India in ***Unni Krishnan, J.P. and others*** **vs.** ***State of Andhra Pradesh and others***[2], ***M.C.Mehta*** **vs.** ***State of T.N. and others***[3], ***Bandhua Mukti Morcha*** **vs.** ***Union of India and others***[4], ***University of Delhi and another*** **vs.** ***Anand Vardhan Chandal***[5], ***State of W.B. and others vs. Nuruddin Mallick and others***[6], Article 21A in Part III of the Constitution of India has been inserted by the Constitution (Eighty-sixth Amendment) Act, 2002 as under :-

> **"21A. Right to education**. – The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."

(185)

16. In consonance with the importance of education in a civilised society, the State legislature framed the Adhiniyam, 1978 to provide for regular payment of salaries to teachers and other employees of Non-Government schools receiving grant-in-aid from the State Government. It appears that the Government was not in position to have its own schools run and governed by the Government, thus, Non-Government schools were provided cent percent grants-in-aid for making regular payment to obtain objectives of quality education in schools as prescribed under Article 21A read with Articles 38 and 41 of the Constitution of India. The salary defined in the Adhiniyam, 1978 provides for payment of pay and dearness allowance at the rate approved for the purpose of payment of maintenance grant till the Sanshodhan Adhiniyam, 2000 came into force with effect from 22-8-2000. Under the Sanshodhan Adhiniyam, 2000, salary was defined as the salary and other allowances payable to a teacher or an employee at the rate as may be notified by the institution. Under these rules, there is no mention of payment of salary at par with the teachers and other employees working in Government schools.

17. The Madhya Pradesh Legislature, in order to facilitate more efficient supervision of the Board's work at divisional level, specially the examinations conducted by the Board, enacted the Shiksha Adhiniyam, 1965. Section 28 of the Shiksha Adhiniyam, 1965 provides for power of Board to make regulations. Clause (d) of sub-section (2) of Section 28 of the Shiksha Adhiniyam, 1965 enables the Board to make regulations with regard to the conditions of recognition of institutions for purposes of admission to the privileges of the Board, the qualification and condition of service of teachers and framing of a

(186)

School Code to ensure a minimum standard of efficient and uniform management of such institutions. In exercise of its power under Clause (d) of sub-section (2) of Section 28 of the Shiksha Adhiniyam, 1965, the Board framed the Regulations, 1965, which obtained approval of the State Government vide memo dated 8-12-1966. Regulation 73 of the Regulations, 1965, as quoted (supra), provides for scales of pay of the staff in educational institutions which are in receipt of Government grant. It is specifically prescribe that the scales of pay shall not be less than those sanctioned for the corresponding staff in Government institution. In the case of educational institutions, which are not aided, there shall be a scale of pay, the minimum of which shall not be less than that in Government educational institutions. In the facts of the present case, all the institutions (schools) are receiving grants-in-aid in full. 'Salary' defined in the Adhiniyam, 1978 read with the Sanshodhan Adhiniyam, 2000 has to be read with Regulation 73 of the Regulations, 1965. It is clear that the intention of the Government is to provide same scales of pay to the staff including teachers working in Non-Government schools receiving grant-in-aid at par with the staff including teachers working in Government schools.

18. The Vth Pay Commission made recommendations for revision of pay-scales of teachers and others, which were accepted by the then Government of Madhya Pradesh and was made payable with effect from 1-1-1996. All the Adhiniyams, Rules, Regulations, stated (supra), have been adapted without modification by the Government of Chhattisgarh by the Order, 2002.

(187)

19. The then State of Madhya Pradesh, in exercise of powers conferred by the Proviso to Article 309 of the Constitution of India, made the Pay Rules, 1998, whereunder, the revised pay was payable with effect from 1-1-1996. The provisions of the Pay Rules, 1998 made certain exceptions for applicability of the Pay Rules, 1998 in respect of following categories of Government Servants :-

> "(a) Persons engaged on contract;
> (b) Part-time and daily rated employees;
> (c) Re-employed pensioners;
> (d) Persons paid from contingency and work-charged employees;
> (e) Persons paid on pay scales of the University Grants Commission and All India Council for Technical Education;
> (f) Persons drawing pay in the All India Services Scales; and
> (g) Any other Class or Category of persons as the Governor may, by order, specifically specify in this behalf."

20. Rules 3(b) of the Pay Rules, 1998 defines "basic-pay", which means pay as defined in Rule 9 (21)(a)(i) of the Madhya Pradesh/Chhattisgarh Fundamental Rules. Rule 4 of the Pay Rules, 1998 provides for payment of revised pay-scales as per Column (4) of the Schedule I or Schedule II, as the case may be. Rule 6 of the Pay Rules, 1998 provides for exercise of option in accordance with the procedure laid down in Rule 11. Rule 7 of the Pay Rules, 1998 provides for fixation of initial pay in the revised scale of pay. Rule 8 of the Pay Rules, 1998 provides for date of next increment in the revised

(188)

scale of pay. Rule 9 of the Pay Rules, 1998 prescribes for fixation of pay in the revised scale of pay subsequent to 1st day of January, 1996. Rule 11 of the Pay Rules, 1998 prescribes for payment of arrears of pay. It was prescribed that the actual arrears of pay as a result of fixation of pay under the Pay Rules, 1998 shall be payable in cash from 1-1-1998 (i.e. pay for the month of January 1998 payable in February 1998). It was further prescribed that the entire amount of difference of emoluments payable on the pay fixed on 1-1-1996 or from the date of next increment or subsequent increments and the emoluments received in the existing pay till 31-12-1997 shall be kept in a separate account, the details of which shall be issued by the State Government separately and on such amount an interest equal to the interest payable to the General Provident Fund of Government Servant shall be paid. This amount shall be deposited in the respective Provident Fund account of the Government Servant on 31-12-2002. The Proviso to Rule 11 of the Pay Rules, 1998 deals with cases of retirement/termination/death of Government Servants. Rule 14 of the Pay Rules, 1998 confers power on the State Government to relax or suspend the operation of any of the provisions of the Pay Rules, 1998 in the case of Government Servants or category of Government Servants in such manner and to such extent as may appear to be just and equitable or necessary or expedient in the public interest. The Proviso to Rule 14 of the Pay Rules, 1998 makes it clear that such relaxation or suspension shall not operate to the disadvantage of the Government Servant or categories of Government Servants, as the case may be. In the present case, the Government has not exercised power as prescribed under Rule 14 of the Pay Rules, 1998.

189

21. The present petitioners, employed in Non-Government schools receiving full grants-in-aid, are entitled to the same pay-scales as payable to their counter-parts working in Government schools as per Regulation 73 of the Regulations, 1965. The identical issue came for consideration before the High Court of Madhya Pradesh. The same provisions of the Adhiniyams, Rules, Regulations (supra) are applicable in the facts of the present cases.

22. In the case of ***State of M.P. and another*** vs. ***Dr. P.K.Shrivastava and others***[7], a Division Bench of the High Court of Madhya Pradesh, while dealing with the grant of benefit of revised pay-scales to the teachers of the college of education, held that all the teachers, including teachers of the college of education, are entitled to the revised pay-scales.

23. The High Court of Madhya Pradesh in ***V.V.Ashthana and others*** vs. ***State of Madhya Pradesh and others*** (supra), ***Indore Region Shikshak Karmachari Sangh and another*** vs. ***State of Madhya Pradesh and others*** (supra) and in ***Dinesh Kumar Asati*** vs. ***State of M.P. and others*** (Writ Petition (S.) No.13599 of 2004), held that the teachers of the Non-Government institutions (schools) are entitled for the same pay-scales and dearness allowance as payable to their counter-parts in Government schools. The Division Bench of the High Court of Madhya Pradesh, in ***State of M.P. and others*** vs. ***V.V.Ashthana and others*** (Letters Patent Appeal No.48 of 2003), upheld the decision of the Single Judge as stated above and dismissed the appeal. A special leave petition was filed, which, after grant of

(190)

leave, was numbered as Civil Appeal No.6399 of 2004, is pending consideration in the Supreme Court.

24. The Supreme Court, in ***Haryana State Adhyapak Sangh and others*** **vs.** ***State of Haryana and others***[8], held as under : -

> "3. ..... In our opinion, the teachers of aided schools must be paid the same pay scale and dearness allowance as teachers in government schools for the entire period claimed by the petitioners, and that the expenditure on that account should be apportioned between the State and the Management in the same proportion in which they share the burden of the existing emoluments of the teachers. ....."

25. The Supreme Court, in ***Haryana State Adhyapak Sangh and others*** **vs.** ***State of Haryana***[9], with regard to mode of payment of arrears, observed as under :-

> **"12.** ..... :
>
> (i) The pay scales of the teachers of government aided schools shall be revised so as to bring them at par with the pay scales of teachers of government schools with effect from April 1, 1979 and the differential amount as a result of such revision in pay scales shall be paid in four six monthly instalments, the first instalment being payable by June 30, 1990.
>
> (ii) The teachers of the government aided schools shall be paid additional dearness

(191)

allowance on the basis of the revised pay scales with effect from April 1, 1979 to December 31, 1985 and the arrears of such additional dearness allowance found payable as a result of such revision shall be paid along with the last part of the five instalments of additional dearness allowance which is to be paid in September 1990.

(iii) The parity in the pay scales and dearness allowance of teachers employed in aided schools and those employed in government schools shall be maintained and with that end in view the pay scales of teachers employed in government aided schools shall be revised and brought at par with the pay scales and dearness allowance payable to the teachers employed in government schools with effect from January 1, 1986.

(iv) As from April 1, 1990 the teachers employed in aided schools shall be paid the same salary and dearness allowance as is paid to teachers employed in government schools.

(v) The arrears of pay and dearness allowance payable as a result of such revision for the period from January 1, 1986 to March 31, 1990 shall be paid in four six monthly instalments, the first such instalment being payable by June 30, 1990."

26. The Supreme Court, in ***State of Haryana and others*** vs. ***Rajpal Sharma and others***[10], has approved (in para 6 at page 276) the ratio laid down in ***Haryana State Adhyapak Sangh and others*** vs. ***State of Haryana*** (supra).

192

27. The Supreme Court, in ***Chandigarh Administration and others*** **vs.** ***Rajni Vali (Mrs.) and others***[11], while considering entitlement of grants-in-aided private schools to the benefit of salary, observed as under :-

> **"6.** The position has to be accepted as well settled that imparting primary and secondary education to students is the bounden duty of the State Administration. It is a constitutional mandate that the State shall ensure proper education to the students on whom the future of the society depends. In line with this principle, the State has enacted statutes and framed rules and regulations to control/regulate establishment and running of private schools at different levels. The State Government provides grant-in-aid to private schools with a view to ensure smooth running of the institution and to ensure that the standard of teaching does not suffer on account of paucity of funds. It needs no emphasis that appointment of qualified and efficient teachers is a sine qua non for maintaining high standards of teaching in any educational institution. Keeping in mind these and other relevant factors this Court in a number of cases has intervened for setting right any discriminatory treatment meted out to teaching and non-teaching staff of a particular institution or a class of institutions. To notice a few such decisions on the point, we may refer to the case of *Haryana State Adhyapak Sangh* v. *State of Haryana*[1] in which this Court issued a direction that the State Government will also take up with the management of the aided schools the question of bringing about parity between the teachers of aided schools and the teachers of government

(193)

schools for the period following that to which the thirty-five instalments relate, so that a claim for payment may be evolved after having regard to the different allowances claimed by the petitioners. In the case of *Haryana State Adhyapak Sangh* v. *State of Haryana*[2] a Bench of three learned Judges of this Court clarifying the judgment in *Haryana State Adhyapak Sangh* v. *State of Haryana*[1] issued a direction, inter alia, that the parity in the pay scales and dearness allowance of teachers employed in aided schools and those employed in government schools shall be maintained and with that end in future the pay scales of teachers employed in government schools shall be revised and brought on a par with the aided schools and dearness allowance payable to the teachers employed in government schools with effect from 1-1-1986."

28. Recently, a three Hon'ble Judges Bench, in ***State of Rajasthan and another vs. S.R. Hr. Sec. School, Lachhmangarh and others***[12], observed as under :-

"**23**. While construing the provision under consideration, it is to be borne in mind that interpretation of a welfare legislation should be to promote education. The service conditions of the employees of the aided institutions are sought to be improved and brought at par with those in Government educational institutions to maintain educational standards. It has also to be borne in mind that our Constitution makers have placed the field of education at a higher pedestal and granted it a special status. Various provisions of the Constitution deal with the aspect of advancement

(194)

of education. The primary education has been held to be a fundamental right in the decision of this Court in *Unni Krishnan, J.P. & Ors. v. State of Andhra Pradesh (1993 (1) SCC 645)* and this aspect still holds the field despite the decision having been overruled on some other aspects in *T.M.A. Pai Foundation & Ors. v. State of Karnataka & Ors. (2002 (8) SCC 481)*. To improve education, various State Governments grant aid to educational institutions and, by and large, teachers of aided private schools deserve to be treated at par with teachers of Government institutions to the extent possible. The provisions of these Acts deserve to be liberally interpreted in favour of the teaching class except where statute may compel otherwise. A statute of no other State has been brought to our notice where similar benefit has been denied to the teachers of the aided institutions to improve education. The service conditions of the teachers also deserve to be improved."

29. The Government of Chhattisgarh, by circular dated 28-11-2006 (P-2), has decided to grant benefit of the revised pay-scales with effect from 1-10-2006. The date of payment of the revised pay-scales in the circular is contrary to the provisions of the Pay Rules, 1998. The Pay Rules, 1998 clearly provide for grant of benefit of the revised pay-scales with effect from 1-1-1996. It is trite that executive instructions/circulars cannot supplant provisions of Rules, Acts, but supplement to fulfill the objective of the said Rules, Acts.

195

30. The Supreme Court, in ***Comptroller & Auditor General of India and others*** **vs.** ***Mohan Lal Mehrotra and others***[13], held as under :-

> **"12.** .....The administrative orders cannot be issued in contravention of the statutory rules but it could be issued to supplement the statutory rules. (See: the observations in *Sant Ram Sharma* v. *State of Rajasthan*[3]). In fact similar circulars were issued by the Railway Board introducing reservations for Scheduled Castes and Scheduled Tribes in the Railway services both for selection and non-selection categories of posts. They were issued to implement the policy of the Central Government and they have been upheld by this Court in *Akhil Bharatiya Soshit Karamchari Sangh (Railway)* v. *Union of India*[4]."

31. Thus, the petitioners are entitled to the revised pay-scales with effect from 1-1-1996 as prescribed under the Pay Rules, 1998, which are neither modified nor amended till date.

32. In view of the submission made by learned counsel appearing for the respondents that there would be a substantial financial burden on the State Exchequer, it is appropriate to give following directions in regard to payment of arrears :-

> (i) The petitioners shall be payable the revised pay-scales immediately with effect from 1-10-2006 in accordance with the Pay Rules, 1998.

(ii) The difference of amount of payment with effect from 1-1-1996 till September, 2006, as a result of the revised pay-scales, shall be payable in ten six-monthly instalments.

(iii) The said amount may be payable to the General Provident Fund of the teacher concerned carrying interest equal to the interest payable to the General Provident Fund of the concerned teacher.

33. As a result, for the reasons stated hereinabove, the writ petitions are allowed. In the facts and circumstances of the case, the parties shall bear their own costs.

34. A copy of this order be placed on the record of the connected writ petitions.

Sd/-
Satish K.Agnihotri
Judge

---

1 (2005) 6 SCC 537
2 (1993) 1 SCC 645
3 (1996) 6 SCC 756
4 (1997) 10 SCC 549
5 (2000) 10 SCC 648
6 (1998) 8 SCC 143
7 2001 (3) MPLJ 1
8 (1988) 4 SCC 571
9 1990 (Supp) SCC 306
10 (1996) 5 SCC 273
11 (2000) 2 SCC 42
12 2005 AIR SCW 4716
13 (1992) 1 SCC 20

Gopal